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TAGS: [ECON](#) [PGOV](#) [PREL](#) [BL](#)  
SUBJECT: CIVIL LIBERTIES UPDATE

REF: LA PAZ 2130

Classified By: Amb. David N. Greenlee for reasons 1.4 (b) and (d).

¶1. (C) Summary: GOB-initiated legal actions and MAS efforts to seek a new constitution to its liking raise questions about GOB respect for civil liberties. An update on three leading cases underscores this issue and highlights the need for greater judicial independence as well as guarantees of basic civil liberties in Bolivia's new constitution. We will monitor closely how Bolivia's next constitution might affect civil liberties. End Summary.

¶2. (U) Juan Antonio Morales: An investigation by prosecutor Milton Mendoza into the withdrawal of 20 million bolivianos (USD 2.5 million) has implicated the former Bolivian Central Bank president. Mendoza is accusing Juan Antonio Morales of violating bank procedures for allowing officials from the Gonzalo "Goni" Sanchez de Lozada administration to withdraw GOB funds during the October 2003 civil unrest. Despite Juan Antonio Morales' explanation that the funds were authorized and verified by the appropriate officials, prosecutors continue to pressure and interrogate Morales without filing formal charges.

¶3. (U) Marcela Nogales: On September 7, the Criminal Court in La Paz ratified its August 3 order to keep Nogales in preventative detention for her alleged role in the withdrawal of GOB funds in October 2003 when she was general manager of the Bolivian Central Bank. Prosecutors claim Nogales abused her office by authorizing the release of money allegedly used for military operations that resulted in the deaths of approximately 60 civilians. Nogales, originally placed in custody as she was boarding a plane with her family to Santiago, Chile, where her husband now works, has been held in preventative detention for over six weeks. Formal charges have not been filed against her.

¶4. (U) Jose Maria Bakovic: The former president of Servicio Nacional de Caminos (SNC), Bolivia's National Roads Agency, was imprisoned for three weeks in April for corruption. Bakovic, who was released on April 21, has yet to be formally charged but is prohibited from leaving La Paz. On September 1, prosecuting attorney Fernando Ganam suspended the case, a prosecutorial prerogative used to

obtain additional time for case preparation. The suspension may give Bakovic a legal claim against the GOB for a delay in justice, which if successful, could lead to dismissal if the GOB fails to proceed with the case within 18 months from the filing of the claim.

¶5. (C) Constituent Assembly (CA): The CA remains a work in progress, but purported constitutional drafts circulated by MAS delegates suggest the MAS may seek to limit basic civil liberties, such as free speech, free press, and assembly rights (reftel). The MAS also may seek to fundamentally alter the judicial branch via the popular election of judges.

COMMENT: We will continue to monitor closely how Bolivia's next constitution might affect civil liberties. END COMMENT.  
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